

November 6, 2024

Borough of Bradley Beach
Land Use Board
701 Main Street
Bradley Beach, NJ 07720

**Re: Levy Residence
Block 21, Lot 15
508 Ocean Park Avenue
Borough of Bradley Beach
Our File: BBPB 24-08**

Dear Chairman and Board Members:

Our office has received an application submitted for Board review in connection with the above-referenced project. Submitted with the application are the following:

- A variance plan consisting of one (1) sheet prepared by Joseph J. Kociuba, P.E., P.P., of KBA Engineering Services, LLC, dated September 27, 2024, with no revisions.
- A survey of property consisting of one (1) sheet prepared by Justin J. Hedges, P.L.S., C.F.S., of Insite Surveying, LLC, dated March 29, 2024, with no revisions.

This application has been deemed **COMPLETE**. Our office has reviewed the plans to determine if they conform with the requirements of the Borough Ordinance and report as follows:

1. **Property Description**

- A. The property is located at house number 508 Ocean Park Avenue (Lot 15, Block 21) with a total area of 3,400 square feet.
- B. The existing lot consists of a one-story framed dwelling with covered porch, driveway, rear deck, and detached garage.
- C. The Applicant is removing the rear deck and a portion of the driveway leading to the garage. The Applicant is proposing a paver patio in the rear yard with a hot tub on the patio, proposed grill and a paver walkway from the driveway to the garage.

2. **Zoning and Land Use**

- A. The property is located in the R-1 Residential Single-Family Zone and the existing single-family dwelling is a permitted use.
- B. The proposed improvements required Board approval for variances with side and rear yard setback to the patio, impervious coverage, grill structure distance from principal dwelling, side and rear yard setbacks to the spa, building separation from spa, and others described in this report.

3. **Variances and Waivers**

- A. In accordance with Section 450-13 permitted yard encroachments, the following variances or existing non-conformities are noted below:
 - 1) In accordance with Section 450-13.A.(2) states that (porch setbacks) *for permitted residential structures a porch may extend eight feet into the required front yard setback area, provided the principal structure conforms to the front yard setback requirement or by submission of the appropriate setback averaging plan as reflected in § 450-26D. A wrap-around porch may exceed the width of the existing or proposed structure, as long as it is in compliance with side setback requirements for the principal structure.* The Applicant did not provide the average setback plan. The permitted front yard setback is 17 feet. The existing front yard setback to the porch is approximately 10.3 feet, which represents an existing non-conformity.
 - 2) In accordance with Section 450-13.F.(2), (setbacks), states *that patios are not allowed to encroach into any principal dwelling's setback requirements and shall never be closer than 5 feet on any side property line, nor closer than five (5) feet to any rear yard property line. No patio shall extend beyond the side building line.* The Applicant is proposing a west side yard setback of 0.9 feet. **A variance is required.** The Applicant is proposing a rear yard setback of 3.1 feet. **A variance is required.**
- B. Section 450-26.B.(7), states that *an outdoor barbeque structure with a maximum size of 30 square feet and a maximum height of 4 feet.* The Applicant is proposing a grill of approximately 9 square feet, but did not provide the height. Testimony should be provided on the height of the structure.

- C. In accordance with Section 450-26.D. area, yard, and building requirements, the following variances or existing non-conformities are noted below:
- 1) In accordance with Section 450-26.D.(1)(a), states *that the minimum lot area permitted is 5,000 square feet.* The existing lot area is 3,400 square feet, which represents an existing non-conformity.
 - 2) In accordance with Section 450-26.D.(1)(b), states that *the minimum lot width permitted is 50 feet.* The existing lot width is 34.0 feet, which represents an existing non-conformity.
 - 3) In accordance with Section 450-26.D.(1)(d) states that *minimum front yard: 15 feet and 25 feet. The front yard depth shall be a minimum of 15 feet on north-south streets and 25 feet on east-west streets (Ocean Park Place) or the minimum depth of any front yard within the block and fronting on the same street on which the structure fronts. When the prevailing setback of the existing buildings along a block front is less than the setback requirements, the front yard setback distance may be reduced to the average of front yard setbacks of principal structures on all developed properties on the same side of the street within 200 feet of the property as documented by a map prepared by a licensed land surveyor. The average depth of the principal structure will be from the front wall of the structure, provided that such setback is not less than 10 feet, not including front porches. Front porches shall also be averaged separately from the principal structures they are attached to within 200 feet on each side of the lot and within the same block front. In all cases, if front yard averaging is to be used for a new structure or expansion of an existing structure, a plan must be submitted by a licensed land surveyor showing the front yard setbacks of each property on the same side of the street within 200 feet of the property. Averaging plans cannot be re-used.* The Applicant did not provide the average setback plan. The permitted front yard setback is 25 feet. The existing front yard setback is 20.2 feet to the dwelling, which represents an existing non-conformity.
 - 4) In accordance with Section 450-26.D.(1)(e) states that *minimum side yards are 5 feet and 10 feet. For lots not meeting the minimum lot width requirement, side yard setbacks shall be 10% (3.4 feet) and 20%(6.8 feet) of the existing lot width, with a minimum of 4 feet.* The existing dwelling has a side yard setback of 0.7 feet on the west side and 7.2 feet on the east side. The east side yard setback conforms, the west side yard setback represents an existing non-conformity.

- 5) In accordance with Section 450-26.D.(1)(g), states *the maximum building coverage permitted is 35% of the lot area*. The existing building coverage is 46.97%, which represents an existing non-conformity.
- 6) In accordance with Section 450-26.D.(1)(h), states *the maximum impervious coverage permitted is 60% of the lot area*. The existing impervious coverage is 87.59%, which represents an existing non-conformity. The Applicant is proposing to reduce impervious coverage to 79.62%. **A variance is required.**
- 7) In accordance with Section 450-26.D.(1)(i), states that *the minimum off-street parking is two (2) spaces per dwelling unit*. The existing off-street parking provided is one (1) space, which represents an existing non-conformity. Testimony should be provided.
- 8) The Applicant is removing a portion of the driveway leading to the garage. This will not allow an automobile to access the garage. The Applicant is changing the use of the accessory structure and should provide testimony on the proposed use.
- 9) In accordance with Section 450-26.D.(1)(j), states that *the minimum side yard setback (accessory structure) is 5 feet*. The existing detached garage has an east side yard setback of 1.6 feet, which represents an existing non-conformity. **The proposed change in use will require a variance for the east side yard setback to an accessory structure.**
- 10) In accordance with Section 450-26.D.(1)(k), states that *the minimum rear yard setback (accessory structure) is 5 feet*. The existing detached garage has a rear yard setback of 2.2 feet, which represents an existing non-conformity. **The proposed change in use will require a variance for the rear yard setback to an accessory structure.**
- 11) In accordance with Section 450-26.D.(1)(l), states that *the minimum distance from primary structure of 20 feet except structures permitted on "Deck, on grade" or "Patio" of 5 feet*. The Applicant is proposing no separation from grill structure to the principal dwelling. **A variance is required.**

D. Pool and Spa

- 1) In accordance with Section 406-4.B.(1), states that *the minimum side setback is 6 feet*. The Applicant is proposing a west side setback of 5.62 feet. **A variance is required.**

- 2) In accordance with Section 406-4.B.(2), states that *the minimum rear setback is 6 feet*. The Applicant is proposing a rear setback of 4.0 feet. **A variance is required.**
- 3) In accordance with Section 406-4.B.(4), states that *the minimum distance between accessory structure (detached garage) is 10 feet*. The Applicant is proposing a distance of 5.62 feet between the spa and garage. **A variance is required.**

4. **General Comments**

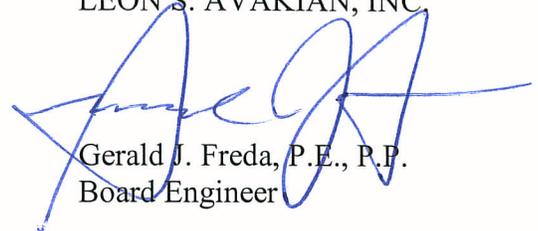
- A. The Applicant indicates an existing code compliance fence, but some of the fence is the neighbor's fence. The code compliance fence should be all on the Applicant's lot.
- B. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain or be converted to natural grass.
- C. General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- D. The Applicant should provide information that taxes are currently paid.
- E. The Applicant shall secure any, and all construction permits needed for the project.

Our office reserves the right to provide additional comments upon receipt of revised plans.

If you have any questions, or require additional information on this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC



Gerald J. Freda, P.E., P.P.
Board Engineer

DMH:mfl

cc: Kristie Dickert, Board Secretary
Mark Kitrick, Esq. Board Attorney
Christine Bell, P.P., A.I.C.P., Board Planner
Jeffrey P. Beekman, Esq., Applicant's Attorney
Joseph J. Kociuba, P.E., P.P., Applicant's Engineer

BB/PB/24/24-08